

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 107

CRM-M-12696-2020 (O&M)

Date of decision : 28.05.2020

Rohit Kumar Chaudhary

..... Petitioner

VERSUS

U.T.Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.P.S.Hundal, Advocate, for the petitioner.

Mr.D.S.Brar, APP, for UT, Chandigarh.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.42 dated 02.03.2020, registered under Sections 323, 354, 354-A and 506 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 at Police Station, Sector 26, Chandigarh.

The allegations against the petitioner are that the petitioner and the sister of the complainant-Sanvi were friends. Recently, Sanvi restricted talking to the petitioner. One day before the lodging of the FIR the complainant and Sanvi were in a park where the petitioner came and gave beatings to Sanvi and also broke her cell phone. When the complainant tried to call her father the petitioner also gave beatings to the complainant.

Seeking regular bail for the petitioner learned counsel submitted that petitioner is a young man aged 21 years and a student of Engineering; he is not involved in any other criminal case; due to strained relations between the petitioner and Sanvi he has been falsely implicated in this case; he has been behind bars since 03.03.2020; challan under Section 173 Cr.P.C. has

been filed and he is therefore, no longer required by the investigating agency and that the trial is likely to take a long time.

Opposing the present bail application learned counsel for UT, Chandigarh submitted that the petitioner has given beatings to the complainant and her minor sister Sanvi and that if the petitioner is granted bail he is likely to intimidate the witnesses.

The petitioner is a young man aged 21 years and a student of Engineering; he is alleged to have given simple injuries to the complainant and his minor sister, who admittedly, at an earlier point of time, was in a relationship with the petitioner which later turned sour; he is not involved in any other criminal case; since challan under Section 173 Cr.P.C. has already been filed he is in no position to influence the investigation; the trial which is yet to start is likely to take a long time to conclude and that the petitioner has already suffered incarceration for nearly three months.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail and it is so ordered. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Chandigarh, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

28.05.2020

shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No